(3)

Single Bench

5

CF/502

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION(S) NO. 5237 *OF 2006*

PETITIONER:

Makhan Lal Dhruv, Aged About- 42 Years, S/o- Shri Milan Singh Dhruv, Occupation- Service (Assistant Teacher), R/o- Village- Boeirgaon Post-Marauda, Distt.-Dhamtari (C.G.)

P.R. No. 532906
Presented by Vinay Pandey
dated 21/9/06

VERSUS

RESPONDENT (S):

1. State of Chhattisgarh
Through it's Secretary
Department of School Education
D.K.S. Bhawan Raipur (C.G.)

2. Under Secretary
Department of School Education
D.K.S. Bhawan Raipur (C.G.)

CERTIFIED COPY
21/9/06
A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS / CERTIORARI ETC. OR DIRECTION / ORDER IN THE LIKE NATURE.

34

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5237 of 2006

Petitioner: Makhan Lal Dhruv

Versus

Respondents: State of Chhattisgarh & another

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Vinay Pandey, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel lawyer for the Respondents.

O R D E R

(4th October, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, who was employed as Assistant Teacher and was working at Sankul Kendra Bharagaon Boigaon, was transferred vide order dated 18.8.2006 (Annexure P/1) to the office of the District Education Officer, Raigarh. Learned counsel for the petitioner submits that the petitioner has been shown to have been transferred on his own request, whereas the petitioner has not made such request at any point of time. At this stage learned counsel for the petitioner confines his submission to a direction to the respondents/authorities for considering the representation (Annexure P/2).

2. I have heard learned counsel for the petitioner and perused the petition and annexures appended thereto. The impugned transfer order seems to be a routine transfer on administrative exigency. It is well established principle of law that the Court should refrain from interfering with the transfer order which is passed in public

40

interest as well as administrative exigency. This Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order is passed contrary to the statutory rules, regulations, circular etc. It is not a case where any of the grounds, as stated above, has been alleged by the petitioner. Thus, there is no merit in the case.

3. In view of the foregoing, the petition is dismissed. However, in the facts and circumstances of the case, the respondent No.2 is directed to consider and decide the pending application (Annexure P/2) in accordance with law, on its own merits, preferably within a period of three weeks from the date of receipt/production of a copy of this order.

Sd/-
Satish K. Agnihotri
Judge

Thakur